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PATENT  
ATTORNEY DOCKET NO.: PRB-1  
CUSTOMER NO: 36038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: R. Porulcan

Serial No. 10/743,402  
Confirmation No. 7174  
Filed: 12/22/2003

For: FORMULATIONS TO INCREASE  
*in vivo* SURVIVAL OF PROBIOTIC  
BACTERIA AND EXTEND THEIR  
SHELF-LIFE

)  
)  
) Group Art Unit: 1645  
)  
) Examiner: Lakia J. Tongue  
)

) I hereby certify that, on the date indicated below, this  
) correspondence was sent by fax to the Commissioner for  
) Patents, at (202) 872-9396.  
)

) By:   
)  
Date:

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

Supplemental Amendment

Dear Sir:

Pursuant to a conversation with the Examiner on September 6, indicating the application is in condition for allowance but for an oral objection by the Examiner – not a rejection -- to use of the Trademark term, Vcaps; please amend the claims as in the attached claim listing. The term "Vcaps" in claim 8 has been substituted by specifying the ingredients in the Vcaps (Hydroxypropyl Methylcellulose). These ingredients are specified as in Vcaps, in the manufacturer's (Capsugel) website (copy attached). On pages 14, line 13, and page 18, line 3, of the specification, Capsugel is specified as the manufacturer of Vcaps. Entry of this amendment is respectfully requested, and the Examiner and her supervisor are thanked for granting the recent interview with Applicant and his attorney.

Respectfully submitted,

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Eric P. Mirabel  
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Applicant hereby petitions for any petition required to make this submission timely and in compliance with applicable rules. The Commissioner is hereby authorized to charge any fees due in connection with this submission and not otherwise covered by payment included herewith, or to credit any overpayment, to Deposit Account No. 502088.